

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICKEY ALFORD, also known as)
 MORRIS DAY,)
 Plaintiff,)
) Civ. Action No. 18-12376-PBS
 v.)
)
BOSTON CELTIC CLUB, et al.,)
 Defendants.)

ORDER

January 14, 2019

SARIS, C.D.J.

For the reasons stated below, this action is dismissed without prejudice.

On November 26, 2018, Rickey Alford, an inmate in custody in California, filed his self-prepared complaint. See Docket No. 1. On November 28, 2018, Alford was ordered to either pay the filing fee or file a motion to proceed in forma pauperis accompanied by a copy of his prison account statement. See Docket No. 4. The order stated that failure of Alford to comply will result in the dismissal of this action for failure to pay the filing fee. Id.

To date, Alford has not responded to the court's order and the time to do so has expired. It is a long-established principle that this Court has the authority to dismiss an action sua sponte for a party's failure to prosecute his action and his failure to follow the court's orders. Fed. R. Civ. P. 41(b). Here, dismissal is appropriate because without plaintiff's

active participation, the court cannot effect the advancement of the case to a resolution on the merits.

Accordingly, for the failure to comply with the November 28, 2018 Procedural Order, this action is hereby dismissed without prejudice.

SO ORDERED.

/s/ Patti B. Saris
PATTI B. SARIS
CHIEF UNITED STATES DISTRICT JUDGE